

about the capability and readiness of the National Guard, their dual-status capabilities, what they can do at the State level and the Federal level.

I guess I can boil it down to this. To me, it was a national shame and disgrace to deploy National Guard troops after 9/11 without adequate body armor or equipment, and this will make it very hard for that to happen again because the Chief of the National Guard Bureau will be in the room with his counterparts talking about the needs of this force. Hopefully, the coordination and collaboration through this new change will allow the force to be ready, deployable, and we will never go back to that time period in our history where the Guard and Reserve were called up without adequate equipment, body armor, ready to go to war. This is a change that I think makes sense post-9/11. It doesn't interfere with the day-to-day operations of the military. It doesn't confer any power on the National Guard they don't already have. It is just one more voice at the table at a time when I think that voice needs to be heard. The world has changed. Our Nation's defense needs have changed post-9/11.

We have 67 cosponsors, and I am very proud of the fact that this is one of the most bipartisan pieces of legislation I have ever been involved with. Senator LEAHY has been a great partner, my co-chairman of the Guard caucus, and I look forward to having the vote.

Senators MCCAIN and LEVIN have done a great job managing this bill. If you have amendments, please work with these two gentlemen. We don't want this Congress to go down in history as being the first Congress in 51 years that could not pass a Defense authorization bill. We have enough things going against us already as a Congress. We don't want to add that to the list. So Senator LEAHY and myself are willing to do this by voice vote, whatever the body wishes.

Senator REED, my good friend from Rhode Island, has a second-degree amendment that basically takes our legislation and defeats the purpose of it. Senator WEBB has a second-degree amendment that would substitute a membership and the Chairman of the Joint Chiefs with a reporting requirement that, quite frankly, misses the mark. Both are fine men.

Senator WEBB argued years ago that the Marine Corps needs to be a member of the Joint Chiefs, and everybody thought the Navy would have two votes and they fought passionately against it, and it has worked out pretty well. So all the problems with making the Marine Corps a member of the Joint Chiefs haven't panned out. Goldwater-Nichols was fought by everybody except the Chairman of the Joint Chiefs when it was first introduced. So change comes hard to the Pentagon.

This is a change that I think makes common sense. I would say, after 9/11, our citizen soldiers deserve this recognition. This would be a great step

forward in making sure they are integrated and they never go to war again unless they are prepared to go. Having that voice day in and day out in the tank I think will do everybody a lot of good. So I hope we can vote on this soon. I appreciate Senators MCCAIN and LEVIN's leadership on this bill. I think we have a good bill for our men and women in uniform, and I look forward to bringing this to the floor for a vote.

To my colleagues who want to amend the bill, I appreciate the differences that we have but I think the time has come for the National Guard to be a member of the Joint Chiefs of Staff, with a full voice and ability to be heard as they have never been heard before. The reason they need to be heard unlike any other time is that we depend on them unlike any other time, except maybe the first engagement. When you look at who has been around the longest, the first shot fired in creating this Nation was fired by the citizen soldier. Two hundred-something years later, let's make sure that they are integrated into our defense infrastructure at the highest levels, because their voice needs to be heard.

I yield the floor, and I suggest the absence of a quorum.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER DRONEY TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided and controlled in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today we in the Senate will confirm Judge Christopher Droney to be U.S. Circuit Judge, Second Circuit. This will be the fifth nominee of President Obama to be confirmed to this circuit, the Second Circuit. In just 3 years, President Obama has matched the number of President Bush's nominees confirmed to the Second Circuit over his entire 8 years in office.

With this vote, the Senate will have confirmed 57 article III judicial nominees during this Congress. This is a great accomplishment considering only six sessions of Congress in the last 30 years have confirmed more judicial nominees. In total, over 71 percent of

President Obama's judicial nominees have been confirmed.

The seat to which Judge Droney is nominated has been deemed to be a judicial emergency. This will be the 31st judicial emergency nominee to be confirmed this year. This seat became vacant in July 2009 when Judge Calabresi took senior status. The President first nominated Judge Chatigny to this vacancy. Judge Chatigny is a sitting U.S. district judge in Connecticut. However, after reviewing his record the Senate determined that Judge Chatigny should not be elevated, and his nomination was returned to the White House at the end of the 111th Congress. The President did not renominate Judge Chatigny and instead sent us the nomination of the person we are considering today, Judge Droney.

I raise this bit of history to remind the Senate and those who watch our proceedings of the importance of the role of advice and consent by the Senate, necessary for someone to become a judge. We in the Senate and historically are not here to simply rubberstamp the President's nominees. Even as we give the President's nominees a thorough review, we are doing so in a very reasonable timeframe. During President Bush's administration, circuit nominees were forced to wait on average 247 days for a hearing. President Obama's circuit court nominees have had their hearings on average in just 66 days. The same can be said of President Bush's district court nominees, who waited 120 days compared to only 79 days for President Obama's district court nominees.

In addition, we have reported nominees in a more timely manner. Circuit court nominees have been reported on average in just 113 days compared to 369 days for President Bush's nominees. President Obama's district court nominees have been reported in just 128 days compared to 148 days for President Bush's nominees.

Furthermore, for those who still contend that President Bush's nominees are being treated unfairly, let me point out that we have reported a higher percentage of judicial nominees to the full Senate compared to this point in President Bush's Presidency. Seventy-six percent of President Obama's judicial nominees have been reported to date. At this point in President Bush's Presidency only 71 percent were reported.

Having set the record straight on the work and progress of this committee, I will tell my colleagues why they should vote for Judge Droney to be a circuit judge for the Second Circuit.

Upon graduation from the University of Connecticut School of Law, and that was in 1979, Judge Droney joined the Hartford firm of Day, Berry & Howard and was responsible for civil matters such as personal injury defense, product liability, antitrust and corporate disputes. In 1981, Judge Droney joined the law department of Aetna Life & Casualty for a brief period, working on investment matters.

Following his time at Aetna, he joined the private law firm of Budkley & Santos, which specialized in complex civil and criminal trial work. In 1984, Judge Droney joined the Hartford law firm of Reid and Reige. He became a stockholder and officer in 1987 and was a member of the firm's trial department for 9 years.

As U.S. attorney for the District of Connecticut from 1993 to 1997, Judge Droney personally tried two cases, including the prosecution of the leadership of the Ku Klux Klan in Connecticut, and argued three appeals in the U.S. Court of Appeals for the Second Circuit.

President Clinton nominated Judge Droney to be U.S. district judge for the District of Connecticut June 5, 1997. The Senate voted 100 to 0 to confirm his nomination on September 11, 1997. As a U.S. district judge, he has presided over approximately 3,600 cases and over approximately 60 trials. All in all, Judge Droney's legal career includes 14 years in private practice litigation, 4 years as U.S. attorney, and 14 years as a Federal judge.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Droney with a unanimous "well qualified" rating. I ask my colleagues to support the nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the comments of the Senator from Iowa. I appreciate his help in getting the Droney nomination moving forward. I do appreciate his help moving these forward.

Today, I am especially pleased that the Senate will have the opportunity to vote on the nomination of Judge Christopher Droney of Connecticut to fill a longstanding vacancy on the Second Circuit, which handles appeals from Federal courts in Vermont, Connecticut and New York. Senator BLUMENTHAL deserves special praise for his efforts to move this nomination through the Committee process. Both Senator BLUMENTHAL and Senator LIEBERMAN support this nomination.

I thank the majority leader for securing a vote on this nomination. I have been urging a vote on this consensus nominee for weeks; his nomination has been stalled and has been repeatedly skipped over for no good reason. Despite the long standing judicial emergency, Senate Republicans have refused until now to consent to take up Judge Droney's nomination, delaying the Senate from considering it for more than 4 months.

Judge Droney will fill a judicial emergency vacancy on the Second Circuit, a vacancy that has existed for well over 2 years. The Republican members of the Judiciary Committee opposed President Obama's first nominee to fill this vacancy and effectively ended the nomination of Judge Bob Chatigny when they voted against him

on a party-line basis last year and insisted that his nomination be returned to the President without Senate confirmation. I regret that because I know Judge Chatigny to be an outstanding Federal district court judge and am sure he would have been an outstanding circuit judge, as well. That opposition was not only unfair to Judge Chatigny, but it served to perpetuate this vacancy for an additional year.

Judge Droney's nomination was considered at a hearing of the Judiciary Committee in June and then reported unanimously by the Committee to the Senate in July. It has been needlessly stalled since then, despite the fact that all Republican, as well as all Democratic, members of the Committee support this nomination. Now that the Republican leadership is finally allowing consideration of this nomination after a needless, additional 4-month delay, I am certain the Senate will act to confirm Judge Droney.

Judge Droney is an experienced jurist with nearly 15 years of experience as a Federal judge in the District of Connecticut, a court to which he was confirmed by the Senate in 1997. He has handled thousands of cases, and has frequently sat by designation on the circuit court to which he is nominated. Prior to joining the Federal bench, Judge Droney was the U.S. Attorney for the District of Connecticut, where he helped the office achieve over 150 gang-related convictions and received national recognition for his efforts to support community crime-prevention programs. He spent 14 years as a litigator in private practice, and was mayor of West Hartford, Connecticut. Judge Droney received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, unanimously "well qualified." As I have already noted, he is supported by both his home State Senators.

While we will vote tonight on Judge Droney's nomination, I am disappointed that the Senate Republican leadership would not agree to a vote on the other 22 judicial nominees waiting for final Senate action. All of the judicial nominees on the Senate calendar are qualified and have the support of their home State Senators. They include other judicial emergency vacancies. One of those and one on which I have been urging immediate action would be filled by a vote on the nomination of Morgan Christen of Alaska. She is nominated to fill one of the many vacancies on the Ninth Circuit. Her nomination, too, was reported unanimously and has the support of her home state Senators—one a Republican, the other a Democrat. The almost 2 months that action on her nomination has been delayed is inexcusable and damaging.

We continue to hear from chief judges about the overburdened courts in their districts and circuits. Most recently, we heard from Chief Judge Au-

drey Collins of the Central District of California and Chief Judge Anne Conway of the Middle District of Florida. In a recent letter to Senate leaders, Bill Robinson, the president of the American Bar Association, warned of the detrimental effect of excessive vacancies and high caseloads. Justice Scalia, Justice Kennedy, Chief Justice Roberts, the Attorney General and the White House counsel have also warned of the serious problems created by persistent judicial vacancies. This is an issue affecting millions of hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

Despite the high number of vacancies that has persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. That is simply not true. It is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003.

As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was allowed to proceed to confirm only 60 of his Federal circuit and district court nominees. This lack of progress led to the longest period of historically high vacancies in the last 35 years.

The 58 circuit and district court nominations we have confirmed thus far this year is still behind the 68 we confirmed in the third year of President George W. Bush's first term. What makes the claim of progress even more misleading is that of the nominations confirmed this year, 17 could have and should have been confirmed when they were reported by the Judiciary Committee last year. Instead, it took us until June of this year to consider and finally confirm those nominees. Even including these nominees on this year's total, the Senate's progress this year barely cracks the top 10 years for confirmed nominees in the last 35 years.

The truth is that the actions of the Senate Republican leadership in stalling judicial nominations during President Obama's first 2 years led to confirmation of fewer judges, leading to high vacancy numbers across the country. The Republican leadership allowed the Senate to confirm only 47 circuit and district court nominations last year and set the modern record for fewest nominations confirmed with only 13 the year before—a total of 60 nominees confirmed in President Obama's first two years in office—leading to judicial vacancies that stood at 97 at the start of this year. In stark contrast, at the start of President Bush's third year, 2003, judicial vacancies stood at only 60 because the Senate had confirmed 72 of

his circuit and district court nominations the year before, and 28 in his first year in office, a total of 100 in the 17 months prior to 2003 with a Democratic majority.

The 100 circuit and district court nominations we confirmed in President Bush's first 2 years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 the Senate was allowed to confirm in President Obama's first 2 years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real progress, in 2003 we proceeded to confirm more judicial nominations than there were vacancies at the start of that year, and reduced vacancies even further.

By the end of President Bush's first term, the Senate had confirmed 205 district and circuit nominees. So far, the Senate has confirmed only 118 of President Obama's district and circuit nominees. To make real progress this year, the Senate needs to consider the other 22 judicial nominations pending on the Senate calendar and the 4 additional judicial nominees who can be reported by the Judiciary Committee in December after participating in our hearings in November. Senate action on those 26 nominees before adjournment would go a long way to help resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

With less than 4 weeks left before Senate adjourns for the year, we need to consider at least 7 judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership.

We should not end another year with the Senate Republican leadership refusing to give final consideration to qualified judicial nominees and insisting that those nominations be returned to the President to begin the process all over again. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

VIOLENCE AGAINST WOMEN

Mr. President, I am pleased that on Wednesday, Senator CRAPO and I will introduce the bipartisan Violence Against Women Reauthorization Act of 2011. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking. I am honored to help lead the effort to see it reauthorized.

Since its passage in 1994 no other piece of legislation has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes. They have improved

the response of law enforcement and the justice system. They have provided essential services for victims struggling to rebuild their lives. It is a law that has saved countless lives and it is an example of what we can accomplish when we work together.

Years ago, when I was a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA when too often people dismissed these serious crimes with a joke and there were few if any services for victims. I looked around desperately trying to find somewhere to help the victims. There were no services. I had to call people to volunteer. My wife and I oftentimes paid for the expenses of taking care of victims.

It was the same everywhere around the country. We have come a long way since then, but there is much more that we can do. I would love to say there is no more domestic violence, and we do not need this, but we know there are thousands upon thousands of cases that have to be resolved.

Over the last few years the Judiciary Committee has held several hearings on VAWA in anticipation of this reauthorization. We have heard from people from all over the country. They have told us the same things I hear from service providers, experts and law enforcement officials in Vermont: While we have made great strides in reducing domestic violence and sexual assault, these difficult problems remain. There is more work to be done.

The victim services funded by VAWA play a particularly critical role in these difficult economic times. The economic pressures of a lost job or home can add stress to an already abusive relationship and can make it harder for victims to rebuild their lives.

At the same time, State budget cuts are resulting in fewer available services. Just this summer, Topeka, KS, took the drastic, almost unbelievable step of decriminalizing domestic violence because the city did not have the funds needed to prosecute these cases. In other words, no matter how badly someone is beaten or abused or violated, they say: Sorry we cannot prosecute this case. We cannot afford to.

We have to do better than that. How do we tell a battered, bruised and beaten victim: Sorry, change the locks on your door or try not to stay at home because they usually come back and do it again; but there is nothing we can do to help you? I cannot believe this country has come to that.

Budgets are tight, but it is unacceptable to turn our backs on these victims. For many, the programs funded by the Violence Against Women Act are nothing short of a lifeline. I mean just that, a lifeline, because it has saved lives.

The reauthorization that Senator CRAPO and I will introduce on Wednesday will reflect the ongoing commitment of Congress to end domestic and sexual violence. It seeks to expand the

law's focus on sexual assault to assure access to services for all victims of domestic and sexual violence and to address the crisis of domestic and sexual violence in tribal communities, among other important steps.

It also responds to these difficult economic times by consolidating programs, reducing authorization levels, and adding accountability measures to ensure that Federal funds are used efficiently and effectively.

The Violence Against Women Act has been successful because it has consistently had strong bipartisan support for nearly two decades. I am honored to work with Senator CRAPO to build on that foundation. I hope Senators from both parties will vote to quickly pass this critical reauthorization to provide safety and security for victims across America.

All anyone has to do is read the transcripts of some of the hearings we have had on this issue. Where people like the distinguished Presiding Officer and myself and others who served in law enforcement or served as prosecutors—we know it goes way beyond just statistics. These are people who have been violated, who turn to their country, to their government for help, for safety. Don't let the Senate say: No. We are going to close the door in your face.

I see the distinguished senior Senator from Connecticut, and I will yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend and colleague, the distinguished chair of the Judiciary Committee, for his kindness.

Mr. President, as the Speaker sometimes says in the House, it is really a high honor and great personal privilege—with the emphasis on "personal"—to come to the floor of the Senate to give my strong support to the nomination of Judge Christopher Droney of West Hartford, CT, to serve as U.S. Circuit Judge on the U.S. Court of Appeals for the Second Circuit. I say it is a high honor because I have profound confidence based on Judge Droney's service as a private attorney, a U.S. attorney, and now for quite a while as a member of the district court in Connecticut. I have great confidence that he will make an excellent addition to this very important court, the U.S. court for the Second Circuit.

I say it is a great personal privilege to be able to speak on behalf of his nomination because, as the occupant of the chair, my colleague from Connecticut, knows well, I have known Chris Droney for a long time now. He and his brother John have been very good friends of mine, great supporters, great sources of counsel, great friends. Both are graduates of the College of Holy Cross. The older brother John, who has less of a judicial temperament than the younger brother Chris—fortunately, we are approving Chris here for the court, not John. But John tells me, having been to Holy Cross, it is still

politically acceptable to note that the graduates of Holy Cross consider themselves Crusaders. Both John and Chris Droney have been crusaders for what is right in the best sense of the word. I value their personal friendship. We have gone through a lot together, not just in politics, but I have seen their families grow.

I have gotten to know their families. I know what they are made of. We have gone through the natural lifecycle tragedies of losing parents, et cetera, together.

Chris Droney is a person of real depth and real ability and will make an excellent judge. So I stress the personal part because it adds a dimension that you and I both, Mr. President, have had the opportunity to have, which is, beyond the resume of Chris Droney, which I am going to mention in a moment, there is a person here, and he is a person who exemplifies what we mean when we talk about a judicial temperament, who we know has a great intellect, tremendous legal acumen, who we know is hard-working, and who we know brings common sense to everything he has done.

I mentioned John Droney just because they go together as brothers, and there is nothing that matters more to John—the older and obviously less attractive of the two—than the pride he has in his brother's achievements, though John himself, of course, has been a very successful and distinguished member of the bar in Connecticut. So let me focus on the younger brother, who is the subject of our consideration today.

I mentioned that Judge Droney attended the College of Holy Cross in Massachusetts, from which he graduated magna cum laude in 1976. He went on to attend the University of Connecticut Law School, where he was the notes and comments editor on the Law Review, and earned his J.D.—doctor of jurisprudence—in 1979.

After graduating from law school, he worked in private practice as a litigation associate handling a range of matters, mostly civil at that point. In 1983, he became a partner at the well-respected law firm of Reid and Riege in Hartford, where he represented clients in a wide range of civil matters, including commercial disputes, personal injury actions, property claims, and intellectual property matters. Judge Droney personally tried cases in the Connecticut Superior Court, the U.S. district court in Connecticut, and argued appeals in the Connecticut Appellate and Supreme Courts and in the U.S. Court of Appeals for the Second Circuit, the court for which he is being considered today.

During this period, Judge Droney, like his brother, was involved in public life in Connecticut and served, in his case, on the town council of West Hartford as deputy mayor from 1983 to 1985 and as mayor from 1985 to 1989.

In 1993, President Clinton nominated Chris Droney to be the U.S. attorney

for the District of Connecticut, where he served with great distinction and affect until 1997. As U.S. attorney, he initiated new cooperative law enforcement efforts against gangs, health care fraud, and financial fraud, in addition to personally trying some major cases in Connecticut and across New England and successfully arguing cases before the Second Circuit Court of Appeals—again, the court he is being considered for today in a vote that will occur shortly.

Judge Droney was selected by then-Attorney General Janet Reno to serve on the Attorney General's Advisory Committee of U.S. Attorneys in which he was one of 17 U.S. attorneys selected to assist the Department of Justice on a range of pressing matters.

In 1997, after 4 years as U.S. attorney, Chris Droney was nominated to the district court in Connecticut by President Clinton and I might say for the second time was confirmed unanimously by this Senate. Since then, as a district court judge, he has presided over numerous Federal, civil, and criminal trials and has consistently demonstrated sound judgment and great legal acumen in his many decisions covering an array of complex and sensitive matters. Judge Droney's career speaks to a profound commitment to the rule of law and the credibility of the legal system.

I know there is a tendency to want to find out, is this judge a liberal, is he a conservative, is he a conservative? I don't think you can put a label on Judge Droney. Some might say he is a moderate. Others might say he is an Independent. I think he is known as somebody who is fair and will take every case as it comes along and decide it on the merits.

So now he has been nominated to serve on the Second Circuit Court of Appeals. I want to personally express my thanks first to President Obama for submitting his nomination for this very esteemed court and secondly to our colleagues on the Judiciary Committee, both of whom have been kind enough to be on the floor and speak on his behalf, Senator LEAHY, who is chairman of the committee, and Senator GRASSLEY, the ranking member. I was particularly grateful for Senator GRASSLEY's comments about Judge Droney's capabilities. This is a good man who believes in the law and is tremendously experienced.

Incidentally, he sat as a visiting judge on the Second Circuit Court of Appeals and has actually written, I believe, five opinions for the Second Circuit Court of Appeals already. So this is somebody who will hit the ground running with the support of the Senate this afternoon.

I will repeat what I said at the beginning. It is not only a high honor and one that I don't take lightly but also a great personal privilege to urge my colleagues to support the nomination of Judge Christopher Droney of Connecticut to be a member of the U.S.

Court of Appeals for the Second Circuit.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

THE PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Connecticut.

Mr. BLUMENTHAL. I ask that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I am honored to follow the senior Senator from Connecticut—rising now as the junior Senator from Connecticut—for the same purpose: to urge my colleagues to approve Christopher Droney as a judge on the Second Circuit Court of Appeals. I also would like to join in thanking the chairman and ranking member of the Judiciary Committee for bringing this nomination to the floor.

Incidentally, I wish to join in Senator LEAHY's very eloquent remarks on the Violence Against Women Act, which I too will support after it is introduced. The reauthorization is very much needed, particularly at this point in our history, and I thank him for taking the leadership on this issue as on so many.

I thank the senior Senator from Connecticut for championing this nomination, and I thank our colleague, the majority leader, HARRY REID, who is extraordinarily insightful and sensitive to the importance of judicial nominations since he is a lawyer himself—and a very skilled and able one—and has supported this nomination.

Today is a very meaningful one for me personally, almost a magical and very momentous moment to stand in this historic and hallowed place and participate in the approval of a man whom I have known for more than 30 years to a position of the utmost importance, a position of trust and responsibility as important as any in this land, and a person of supremely well-recognized qualifications and experience for this position. Indeed, his life has been almost a preparation for this chapter in his career.

I am privileged and honored to have been a colleague and friend and professional ally of his for more than 30 years. I have known him since his graduation from law school in 1979. We were in litigation together in private practice. When I was U.S. attorney for Connecticut and later attorney general, we worked together. Indeed, when he was U.S. attorney, following my service, we were partners in law enforcement in a number of cases. I had the direct and immediate experience of seeing many of his prosecutions, his intensity of commitment not just to a successful investigation and prosecution but his commitment to doing justice, which is the highest calling of a prosecutor—indeed, of any lawyer.

When he became a judge, I had the honor of appearing before him, presenting witnesses, arguing cases, and to have firsthand experience again with the quality of his professional work.

I have to admit my office as attorney general did not win every case. We lost some. But whether we won or lost, we emerged from those experiences with an unqualified respect for the quality of his fact-finding, his scholarship and, again, his commitment to doing justice.

He has demonstrated as a district court judge the qualities I know he will bring to the court of appeals: extraordinary scholarship and intellect, an adherence to precedent, a careful analysis of the law, a thoughtfulness and responsiveness in the questions he asks, and an insight into the factual record as well as the truthfulness of witnesses. He has what I consider to be the most important qualification for any judge, which is a capacity for growth, for learning and listening. He is, above all, a good listener, a sensitive and responsive listener. He has indeed the qualities that are exemplified by the man he will be replacing—Guido Calabresi—a judge known to the senior Senator from Connecticut as well as myself; indeed, a teacher of mine when I was at Yale Law School and I believe very possibly of the senior Senator as well—a person of exquisite sensitivity and sensibility and common sense. Those are the qualities of Christopher Droney: sensibility, sensitivity and common sense, and he shares with Guido Calabresi the grace of writing and sense of history that are so important to the Court of Appeals for the Second Circuit.

The PRESIDING OFFICER. All debate time has expired.

Mr. BLUMENTHAL. I am proud to join in supporting this nomination. I wish him well, and I ask my colleagues to join in approving him when the vote is taken. Thank you.

The PRESIDING OFFICER. The question is on the nomination of Judge Christopher Droney.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. DEMINT), the Sen-

ator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. BLUMENTHAL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 209 Ex.]

YEAS—88

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inhofe	Risch
Brown (MA)	Inouye	Roberts
Brown (OH)	Isakson	Rockefeller
Burr	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wyden
Enzi	McConnell	
Feinstein	Merkley	

NOT VOTING—12

Begich	Kirk	Paul
Blunt	Landrieu	Toomey
DeMint	Menendez	Vitter
Harkin	Murkowski	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no more votes tonight. We hope the managers of the bill can process some amendments, but there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wonder, if it is agreeable to the majority leader, rather than wait on the amendment concerning the National Guard, perhaps in anticipation of that eventuality the Senator from Vermont and the Senator from South Carolina would be allowed to speak on that amendment in the case that it is accepted. If not, then their words, as usual, would not be much.

Mr. REID. That is fine. We would have debate only on this matter, with Senator LEAHY recognized for up to 10 minutes and Senator MCCAIN for up to 10 minutes.

Mr. MCCAIN. I thank the majority leader.

Mr. REID. By then we hope to have a unanimous consent agreement that would be universal in nature.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, I will not use all my time, by any means. I spoke earlier about this. I appreciate the courtesy of the distinguished senior Senator from Arizona.

Senator GRAHAM and I, as cochairs of the National Guard Caucus, introduced amendment No. 1072. I spoke earlier this afternoon about it, so I will not speak longer on it, except to say the amendment is long overdue. The men and women of our Guard deserve the same recognition as everyone else in uniform. It is high time we made sure they receive it.

Senator GRAHAM has been a close and valued partner in helping us bring about this bipartisan piece of legislation. Republicans and Democrats across the political spectrum have cosponsored it.

I will close with this. The Senator from Arizona has been in war zones probably more than I ever will in my lifetime. The Senator from South Carolina certainly has been in Iraq and Afghanistan more than most Members of this body. But I think every one of us who has been in a war zone knows this. We see soldiers going out to face battle. Nobody knows whether they are members of the Guard or the regular forces. Certainly those who would do harm to our men and women in uniform do not say we will do different harm to members of the Guard or members of the regular forces. I say this because they all put their lives on the line. They all go through training. And we could not field the forces our Department of Defense is called upon to field without our Guard and Reserve. So I do hope the Leahy-Graham amendment No. 1072 will pass.

I yield to Senator GRAHAM.

Mr. GRAHAM. Mr. President, I want to thank both Senators MCCAIN and LEVIN for organizing this debate on this amendment in a way that maybe